

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

RASHID JAHM,

Plaintiff,

No. 1:05-CV-11638-JLT

v

MICHIGAN STATE, STATE OF MICHIGAN,  
DENNIS D. LEIBER, MARY KELLY,  
JENNIFER M. GRANHOLM, PAUL J.  
FISCHER, CRAIG NOLAND, KEMPER  
INSURANCE PRESIDENT CLAIM  
DEPARTMENT, CATHERINE GARCIA-  
LINDSTROM, GEORGE S. BUTH, SHAWN  
M. BREIMAYER, STEPHEN C.  
BRANDSDORFER, STEVEN C. COUCH,  
GEORGE L. McGARGER and MIDWEST  
CLAIMS SERVICES,

Defendants.

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Rashid Jahm  
In *ProPer*  
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Lawrence MA 01841  
(617) 780-1704

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Mark E. Donnelly (P39281)  
Attorney for Defendants State of Michigan,  
Governor Jennifer M. Granholm, Paul J. Fischer  
and the Michigan Judicial Tenure Commission  
Michigan Department of Attorney General  
Public Employment, Elections & Tort Division  
P.O. Box 30736  
Lansing, MI 48909  
(517) 373-6434

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**ANSWER TO COMPLAINT, RESPONSE TO AD DAMNUM CLAUSE AND  
AFFIRMATIVE DEFENSES**

Defendants State of Michigan, Governor Jennifer M. Granholm, Paul J. Fischer and the Michigan Judicial Tenure Commission, by counsel, answer plaintiff's complaint, by like numbered paragraphs, as follows:

1. As to the allegation contained in paragraph 1, it is a statement of law, not fact and no answer is required. If an answer is deemed necessary, the allegation as it pertains to the answering defendants is denied because it untrue.

2. As to the allegation contained in paragraph 2, as it pertains to the answering defendants, the same is denied because it untrue.

3. As to the allegation contained in paragraph 3, as it pertains to the answering defendants, the same is denied because it untrue.

4. As to the allegation contained in paragraph 4, as it pertains to the answering defendants, the same is denied because it untrue.

5. As to the allegation contained in paragraph 5, as it pertains to the answering defendants, the same is denied because it untrue.

6. As to the allegation contained in paragraph 6, it is a statement of law, not fact and no answer is required. If an answer is deemed necessary, the allegation is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

7. As to the allegation contained in paragraph 7, it is a statement of law, not fact and no answer is required. If an answer is deemed necessary, the allegation is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

8. As to the allegation contained in paragraph 8, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

9. As to the allegation contained in paragraph 9, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

10. As to the allegation contained in paragraph 10, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

11. As to the allegation contained in paragraph 11, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

12. As to the allegation contained in paragraph 12, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

13. As to the allegation contained in paragraph 13, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

14. As to the allegation contained in paragraph 14, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

15. As to the allegation contained in paragraph 15, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

16. As to the allegation contained in paragraph 16, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

17. As to the allegation contained in paragraph 17, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

18. As to the allegation contained in paragraph 18, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

19. As to the allegation contained in paragraph 19, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

20. As to the allegation contained in paragraph 20, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

21. As to the allegation contained in paragraph 21, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

22. As to the allegation contained in paragraph 22, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

23. As to the allegation contained in paragraph 23, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

24. As to the allegation contained in paragraph 24, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

25. As to the allegation contained in paragraph 25, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

26. As to the allegation contained in paragraph 26, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

27. As to the allegation contained in paragraph 27, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

28. As to the allegation contained in paragraph 28, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

29. As to the allegation contained in paragraph 29, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

30. As to the allegation contained in paragraph 30, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

31. As to the allegation contained in paragraph 31, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

32. As to the allegation contained in paragraph 32, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

33. As to the allegation contained in paragraph 33, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

34. As to the allegation contained in paragraph 34, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

35. As to the allegation contained in paragraph 35, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

36. As to the allegation contained in paragraph 36, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

37. As to the allegation contained in paragraph 37, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

38. As to the allegation contained in paragraph 38, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

39. As to the allegation contained in paragraph 39, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

40. As to the allegation contained in paragraph 40, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

41. As to the allegation contained in paragraph 41, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

42. As to the allegation contained in paragraph 42, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

43. As to the allegation contained in paragraph 43, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

44. As to the allegation contained in paragraph 44, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

45. As to the allegation contained in paragraph 45, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

46. As to the allegation contained in paragraph 46, as it pertains to Defendant Fischer, the same is denied because it untrue.

47. As to the allegation contained in paragraph 47, as it pertains to Defendant Fischer, the same is denied because it untrue.

48. As to the allegation contained in paragraph 48, as it pertains to Defendant Fischer, the same is denied because it untrue.

49. As to the allegation contained in paragraph 49, as it pertains to Defendant Fischer, the same is denied because it untrue.

50. As to the allegation contained in paragraph 50, as it pertains to Defendant Fischer, the same is denied because it untrue.

51. As to the allegation contained in paragraph 51, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

52. As to the allegation contained in paragraph 52, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

53. As to the allegation contained in paragraph 53, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

54. As to the allegation contained in paragraph 54, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

55. As to the allegation contained in paragraph 55, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

56. As to the allegation contained in paragraph 56, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.



57. As to the allegation contained in paragraph 57, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

58. As to the allegation contained in paragraph 58, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

59. As to the allegation contained in paragraph 59, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

60. As to the allegation contained in paragraph 60, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

61. As to the allegation contained in paragraph 1, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

62. As to the allegation contained in paragraph 62, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

63. As to the allegation contained in paragraph 63, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

64. As to the allegation contained in paragraph 64, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

65. As to the allegation contained in paragraph 65, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

66. As to the allegation contained in paragraph 66, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

67. As to the allegation contained in paragraph 67, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

68. As to the allegation contained in paragraph 68, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

69. As to the allegation contained in paragraph 69, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

70. As to the allegation contained in paragraph 70, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

71. As to the allegation contained in paragraph 71, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

72. As to the allegation contained in paragraph 72, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

73. As to the allegation contained in paragraph 73, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

74. As to the allegation contained in paragraph 74, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

75. As to the allegation contained in paragraph 75, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

76. As to the allegation contained in paragraph 76, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

77. As to the allegation contained in paragraph 77, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

78. As to the allegation contained in paragraph 78, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

79. As to the allegation contained in paragraph 79, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

80. As to the allegation contained in paragraph 80, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

81. As to the allegation contained in paragraph 81, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

82. As to the allegation contained in paragraph 82, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

83. As to the allegation contained in paragraph 83, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

84. As to the allegation contained in paragraph 84, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

85. As to the allegation contained in paragraph 85, it is neither admitted nor denied for the reason that defendants lack information or knowledge sufficient to form a belief as to its truth and leave plaintiff to his proofs.

#### **AD DANNUM CLAUSE**

As to the allegation contained in this clause of plaintiff's complaint, as it pertains to the answering defendants, the same is denied because it untrue.

#### **AFFIRMATIVE DEFENSES**

1. Plaintiff's claims against the state defendants are barred by immunity including, but not limited to, Eleventh Amendment immunity, judicial immunity, prosecutorial immunity, and qualified immunity.

2. This court lacks subject matter jurisdiction over plaintiff's claims against the state defendants.

3. This court lacks personal jurisdiction over the state defendants.
4. Alternatively, if the court has jurisdiction, venue is improper because all of the state defendants reside and do business in Michigan, and the underlying acts that give rise to this action occurred in Michigan.
5. Service of process on the state defendants was improper.
6. Plaintiff's claims against some of the state defendants may be barred by the *Roquer-Feldman* doctrine or, alternatively, the *Younger* abstention doctrine.
7. Plaintiff's claims against the state defendants fail to state a claim upon which relief can be granted.
8. The state defendants incorporate by reference any affirmative defense put forth by a co-defendant which is applicable to the state defendants.
9. The state defendants reserve the right to amend and add to their affirmative defenses should they become known during the course of further investigation and discovery, and as permitted by the court.

MICHAEL A. COX  
Attorney General  
s/ Mark E. Donnelly  
Mark E. Donnelly (P39281)  
Assistant Attorney General  
Public Employment, Elections  
& Tort Defense Division

Dated: January 5, 2006

Certificate of Service

I, Juliana deHaan Rice, Assistant Attorney General, hereby certify that I have on this day served the above document upon all parties by electronic notice to ECF registered parties and by mailing a copy first class, postage prepaid to: Rashid Jahm, pro se, 49 Halleman Avenue, Lawrence, MA 01841.

/s Juliana deHaan Rice  
Juliana deHaan Rice  
Assistant Attorney General

Date: January 5, 2006